

JAN 27 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Billy Huff

Serial Number: 10/718,458

Art Unit: 3634

Filed: November 19, 2003

Examiner: Alvin C. Chin-Shue

For: GROUND ANCHOR DEVICE FOR HOLDING A LADDER AND OTHER
OBJECTS IN PLACE

AMENDMENT UNDER C.F.R. 1.111

Honorable Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

Responsive to an Office Action Summary dated December 7, 2004, please see the following new claims and remarks offered to place the subject patent application in condition for allowance.

STATUS OF THE APPLICATION

Claims 1-16 are pending in the application.

Claims 5, 10 and 15 are withdrawn from consideration.

Claims 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 1, 6, 11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by a patent to Lozier et al.

Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by a patent application publication to Hebbelinck.

Claims 2, 7 and 12 are rejected under 35 U.S.C. 103(a) as being obvious based on Lozier et al. in view of a patent to Turner

Claim 2 is rejected under 35 U.S.C. 103(a) as being obvious based on Hebbelinck in view of a patent to Sporta.

Claim 4 is rejected under 35 U.S.C. 103(a) as being obvious based on Hebbelinck in view of a patent to Eggleston.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being obvious based on a patent to Colglazier et al. in view of Lozier et al.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colglazier et al. and Lozier in view of Eggleston.

Claims 6-9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colglazier et al. and Lozier in view of a patent to Meikle.

TELEPHONE INTERVIEW

On January 24, 2005, the undersigned patent attorney contacted Examiner Chin-Shue as to filing a proposed independent claim disclosing more specific structure of the subject anchor device to distinguish the invention over the cited prior art reference. The examiner suggested that a formal amendment be filed rather than a proposed independent claim. Accordingly, the subject amendment is filed for the examiner's review. It is urged that the examiner contact the undersigned if there is any questions as to allowability of the new claims as presented.

ELECTION OF SPECIES UNDER 35 U.S.C. 112

Currently claims 1, 2, 6 and 7 are generic in the application. Specie A, the anchor device, shown in FIGS. 1 and 2, is disclosed in claims 3, 4, 8, 9, 11-14 and 16. Specie B, the anchor device, shown in FIG. 2A, is disclosed in claims 5, 10 and 15. The applicant, through his attorney, elects with traverse Specie A, as shown in FIGS. 1 and 2. The following new claims in this amendment disclose Specie A only.